

EXHIBIT 1

HONORABLE ROBERT S. LASNIK
MAGISTRATE JUDGE JAMES P. DONOHUE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL A. SCOTT, SR.,

Plaintiff,

v.

MAGGIE MILLER-STOUT, et al.,

Defendants.

NO. C05-1950-RSL-JPD

DECLARATION OF DEVON
SCHRUM

I, DEVON SCHRUM, make the following declaration:

1. I am the Grievance Program Manager in the Office of Correctional Operations, Washington State Department of Corrections (DOC), located in Tumwater, Washington. My official duties include responding to questions regarding the inmate grievance program statewide, reviewing grievances appealed to Level III, reporting to DOC officials on the status of the grievance program, and other duties related to this program. I have held this position since April, 2006.

2. The Washington Offender Grievance Program (OGP) has been in existence since the early 1980's and was implemented on a department-wide basis in 1985.

3. Under the OGP, an offender may file a grievance over a wide range of aspects of his/her incarceration. Inmates may file grievances challenging 1) DOC institution policies, rules and procedures; 2) the application of such policies, rules and procedures; 3) the lack of policies,

1 rules or procedures that directly affect the living conditions of the offender; 4) the actions of
 2 staff and volunteers; 5) the actions of other offenders; 6) retaliation by staff for filing
 3 grievances; and 7) physical plant conditions. An offender may not file a grievance challenging
 4 1) state or federal law; 2) court actions and decisions; 3) Indeterminate Sentence Review Board
 5 actions and decisions; 4) administrative segregation placement or retention; 5) classification/unit
 6 team decisions; 6) transfers; 7) disciplinary actions; and several other aspects of incarceration.
 7 Administrative segregation, classification, and disciplinary issues are not grievable because
 8 these areas have their own appeal process.

9 4. The OGP provides a wide range of remedies available to inmates. These
 10 remedies are outlined in OGP 015 and include 1) restitution of property or funds; 2) correction
 11 of records; 3) administrative actions; 4) agreement by department officials to remedy an
 12 objectionable condition within a reasonable time; and 5) a change in a local or department
 13 policy or procedure.

14 5. The grievance procedure consists of four levels of review:

15 Level 0 - Complaint or informal level. The grievance coordinator at the prison receives
 16 a written complaint from an offender on an issue about which the offender wishes to pursue a
 17 formal grievance. At this complaint level, the grievance coordinator pursues informal
 18 resolution, returns the complaint to the offender for rewriting, returns the complaint to the
 19 offender requesting additional information, or accepts the complaint and processes it as a formal
 20 grievance. Routine and emergency complaints accepted as formal grievances begin at Level I,
 21 complaints alleging staff misconduct are initiated at Level II.

22 Level I - Grievances against policy, procedure, or other offenders, and grievances
 23 processed as emergencies. The local grievance coordinator is the respondent at this level.

24 Level II - Appeal. Offenders may appeal Level I grievances to this level. Staff conduct
 25 grievances are initiated at this level. All appeals and initial grievances received at Level II are
 26 investigated, with the prison superintendent being the respondent.

1 Level III - Appeal. Offenders may appeal all Level II responses except emergency
2 grievances to Department headquarters in Tumwater, where they are reinvestigated.
3 Administrators are the respondents.

4 6. Since March 1, 2005, offenders have 20 working days from the date of an
5 incident to file a grievance. Prior to this date, offenders had five working days from the date of
6 an incident to file a grievance. An exception to this filing timeframe is allowed if there is a valid
7 reason for the delay.

8 7. The DOC's grievance system is well known to inmates; currently over 20,000
9 grievances are filed per year system wide.

10 8. Michael Scott, DOC #794889, is a DOC inmate currently incarcerated at the
11 Airway Heights Corrections Center (AHCC) in Airway Heights, Washington.

12 9. It is my understanding that Mr. Scott's complaint in this case raises a claim
13 pertaining to the failure of staff at the Monroe Correctional Complex (MCC) and AHCC to
14 locate and deliver personal property to Mr. Scott after his transfer to AHCC in October 2003.

15 10. Mr. Scott's complaint about lost or undelivered personal property is clearly a
16 grievable issue.

17 11. I have reviewed DOC's official grievance records concerning Mr. Scott and
18 have determined that he did file two grievances concerning lost property; grievance No.
19 0324767 and No. 0325814. Grievance No. 0324767 did not go beyond level 0 as Mr. Scott
20 failed to rewrite his grievance to include required information. Grievance No. 0325814 only
21 went to level 1 as Mr. Scott did not appeal the level 1 response which essentially denied his
22 grievance and provided him no relief. As such, it is clear that Mr. Scott did not exhaust the
23 grievance process on his claim concerning DOC staff's failure to locate and deliver his personal
24 property to him.

25 12. Attached to this declaration as attachment A is a true and accurate copy of
26 DOC's official grievance summary for Mr. Scott. Attached to this declaration as attachment B

1 is Mr. Scott's grievance/offender complaint for grievance No. 0324767. Attached to this
2 declaration as attachment C is Mr. Scott's level 1 grievance and the response thereto in
3 grievance No. 0325814.

4 I declare under the penalty of perjury that the foregoing is true and correct to the best of
5 my knowledge.

6 EXECUTED this 21 day of August, 2006, at Tumwater, Washington.

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DEVON SCHRUM

12
DECLARATION OF DEVON SCHRUM
(C05-1950-RSL-JPD)

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ATTORNEY GENERAL OF WASHINGTON
Criminal Justice Division
PO Box 40116
Olympia, WA 98504-0116
(360) 586-1443

Attachment A

OTSO300

GRIEVANCE SUMMARY

PAGE 1

DOC NO: 794889 NAME: SCOTT, MICHAEL A.

STATUS: ACTIVE INMATE

CUR LOC: AIRWAY HEIGHTS-MED.

COMPLAINT

ACT	LOGID	DATE	TYPE	CAT	AREA-DESC	SPEC-DESC	JUD	FAC	LV
—	0221430	11/14/02	01	50	521 HEALTH-MEDICAL	438 MEDICAL-SPECIAL	D01		1
—	0304600	03/05/03	01	50	521 HEALTH-MEDICAL	418 MEDICAL-DENIED	D01		1
—	0304965	03/10/03	01	50	521 HEALTH-MEDICAL	418 MEDICAL-DENIED	D01		1
—	0312436	06/19/03	01	02	803 LIVING UNIT 3	513 PROP,P-CONFISCA	D01		0
—	0315878	08/07/03	01	50	521 HEALTH-MEDICAL	430 MEDICAL-INADEQU	D01		3
—	0319432	09/26/03	01	50	311 AD SEG HEARING	503 PROCEDURAL ERRO	D01		0
—	0321996	10/24/03	01	50	521 HEALTH-MEDICAL	434 MEDICAL-RESTRIC	P01		0
—	0324767	12/12/03	01	50	647 PROPERTY ROOM/S	531 PROP,P-TRANSFER	P01		0
—	0325814	12/24/03	01	50	647 PROPERTY ROOM/S	531 PROP,P-TRANSFER	P01		1
—	0405709	03/17/04	03	21	806 LIVING UNIT 6	990 UNFAIR TREATMEN	D05		2
—	0406665	03/23/04	01	02	051 DOP-INSTITUTION	780 TRANSFER	D05		0
—	0414109	07/12/04	01	50	347 CLASSIFICATION	022 AD. SEG. STATUS	D05		0

OPTIONS: G=GRIEVANCE RECORD P=PERSONAL CHARACTERISTICS

ENTER OPTION IN ACTION COLUMN, OR PRESS ENTER FOR NEXT PAGE

ATTACHMENT

A

OTSO300

GRIEVANCE SUMMARY

PAGE 2

DOC NO: 794889 NAME: SCOTT, MICHAEL A. STATUS: ACTIVE INMATE

CUR LOC: AIRWAY HEIGHTS-MED.

COMPLAINT

ACT	LOGID	DATE	TYPE	CAT	AREA-DESC	SPEC-DESC	JUD	FAC	LV
_	0414109	07/12/04	01	50	347 CLASSIFICATION	022 AD. SEG. STATUS		D05	0
_	0504534	02/04/05	01	50	347 CLASSIFICATION	780 TRANSFER		P01	0

OPTIONS: G=GRIEVANCE RECORD P=PERSONAL CHARACTERISTICS
 ENTER OPTION IN ACTION COLUMN, OR PRESS ENTER FOR NEXT PAGE

ATTACHMENT B

LOG I.D. NUMBER

0324767

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

OFFENDER COMPLAINT

CHECK ONE: ☒ INITIAL GRIEVANCE, ☐ EMERGENCY GRIEVANCE, ☐ APPEAL TO NEXT LEVEL

RESIDENTIAL FACILITIES: Send all completed copies of this form to the Grievance Coordinator. Explain what happened, when, where, and who was involved or which policy/procedure is being grieved. Be as brief as possible but include the necessary facts. A formal grievance begins on the date the typed grievance forms are signed by the coordinator. Contact a staff member to report an emergency situation or to initiate an emergency grievance. Please attempt to resolve all complaints through appropriate staff before initiating a grievance.

NAME: LAST SCOTT	FIRST MICHAEL	MIDDLE ADRIAN	DOC NUMBER 794889
PROGRAM ASSIGNMENT MI 3	WORK HOURS Ø	FACILITY/OFFICE AHCC	UNIT/CELL NB22L

COMMUNITY SUPERVISION: Send all completed copies of this form directly to: Grievance Program Specialist, Offender Grievance Program, Department of Corrections, P.O. Box 41129, Olympia WA 98504-1129.

MAILING ADDRESS	STREET OR P.O. BOX	CITY, STATE	ZIP CODE	TELEPHONE NUMBER
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I WANT TO GRIEVE:

PROPERTY: LOST OR DESTROYED - AS PER A
VERBAL REPORT BY AN INVESTIGATING
STAFF PERSON STATIONED @ AHCC, TWO
LARGE BOXES OF PROPERTY MAILED FROM
MCC ON 10-6-03. [CONTENTS: 7 BOOKS @ \$29.95 EA; 1
PADE AND CLAY ROBARBY @ \$95.00; LEGAL EVIDENCE WHICH
WAS DUE IN SUPERIOR COURT 10-10-03; LEGAL EVIDENCE
TO BE USED IN PENDING LIABILITY SUIT (DATE TO BE ANNOUNCED);
MANUSCRIPTS OF 1 PLAY AND ONE NOVEL (COST TO BE DERIVED

SUGGESTED REMEDY: BY MY EDITORS, C. ESTES & R. BASH); PHOTOGRAPHS
AND LETTERS FROM MY WIFE & 4 CHILDREN IN THE SOUTH
PACIFIC; 4 RENDERINGS VALUED AT \$50.00 EA.] WITNESSES
TO OWNERSHIP INCLUDE RELIGIOUS PROPERTY MATRIX FORM,
YO PAGGI, YO FINOLEY, YO PALMER, GRIEVANTS EDITORS & WIFE.

MANDATORY C. Estes 12-9-03 10-9-03
SIGNATURE DATE

GRIEVANCE COORDINATOR'S RESPONSE

Your complaint is being returned because:

- ☐ It is not a grievable issue.
☐ You requested to withdraw the complaint.
☐ You failed to respond to callout sheet on _____
☐ The formal grievance/appeal paperwork is being prepared.

LOCATION CODE

PO

DATE RECEIVED

12-12-03

- ☐ The complaint was resolved informally.
☒ Additional information and/or rewriting is needed.

(See below.) Return within five (5) days or by:

Due Date: _____

☐ No rewrite received. Date: _____

EXPLANATION:

Please rewrite & state who the staff member
is, and do not remove the pink copy.

INITIAL COMPLAINT OBTS INFORMATION						DATE OF RESPONSE	COORDINATOR'S SIGNATURE
TYPE	CATEGORY	AREA	SPEC	REMEDY	RESOLUTION		
01	50	u47	531	08	05	12-15	R. Archer

ATTACHMENT C

1-16
Smith

LOG I.D. NUMBER

0325814

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONSLEVEL 1 – INITIAL GRIEVANCE
NIVEL 1 - QUEJA INICIAL

NAME: NOMBRE:	LAST APELLIDO	FIRST PRIMER NOMBRE	MIDDLE 2DO NOMBRE	DOC NUMBER NUMERO DOC	FACILITY/ FACILIDAD	UNIT/CELL UNIDAD/CELDA
	SCOTT		MICHAEL	A 794889	AHCC	NB22L
COMMUNITY CORRECTIONS OFFICE OFICINA DE CORRECCIONES EN LA COMUNIDAD			DATE TYPED FECHA ESCRITA	PART B - OBTS INFORMATION INFORMACION DE OBTS		
			12-31-03	REMEDY/REMEDI	RESOLUTION/RESOLUCION	PENDING/PENDIENTE
				08	04	

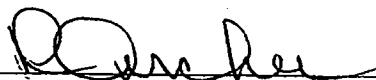

PART A – INITIAL GRIEVANCE/ PARTE A – QUEJA INICIAL

Response due/Respuesta requerida en

1-24

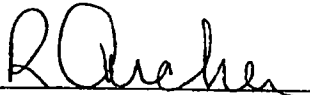
I WANT TO GRIEVE: Property lost/destroyed. After a personal search, via kites, for said property, I was informed by the Property Room Sgt. "not to kite her again". I had kited her twice. I then turned to C/O Hagen who ascertained that "2 boxes were mailed to AHCC from Monroe on Oct. 06, '03". E-mail to AHCC's Mail and Property Rooms netted "no property in store". These boxes contain legal documentation and evidence for 3 legal cases, one of which I lost due to a 12-10-03 deadline to submit the now "missing" evidence. Other property, now missing, include family pictures and letters, 7 religious books, the manuscript of a novel four years in development along with several renderings to supplement same. Witness who can attest to this property and my ownership include my editors (who already paid an advance), a religious matrix form, my wife and children, and officers Paggi, Findley, Palmer, Connors, as well as many fans.

SUGGESTED REMEDY:

	1-9-04 ✓		1-9-04
GRIEVANCE COORDINATOR SIGNATURE FIRMA DE COORDINADOR DE QUEJAS	DATE FECHA	GRIEVANT SIGNATURE FIRMA DE QUEJANTE	DATE FECHA

PART B – LEVEL 1 RESPONSE / PARTE B RESPUESTA PRIMER NIVEL

Sgt. Smith investigated your grievance, in which you state you had property shipped from Monroe Correction Center (MCC) to Airway Heights Correction Center (AHCC) on, or about 10-6-03. Sgt. Smith checked property records. Records indicates that the last items received for you was two boxes of 'catch-up' property that you were issued on 10-16-03. There is no other property at AHCC. The property and mail departments have provided you the information you requested in your kites; We have not received, nor are keeping any property for you other than what you were given. Further inquiries should be addressed to MCC for any property you provided disposition instructions and funds for shipment. Thank you for using the grievance program.

	1-12-04 ✓
GRIEVANCE COORDINATOR SIGNATURE COORDINADOR DE QUEJAS	DATE FECHA

You may appeal this response by submitting a written appeal to the coordinator within two (2) working days from date this response was received. Ud. puede apelar esta respuesta al someter una apelación por escrito al coordinador dentro de dos (2) días de trabajo de la fecha en que esta respuesta fue recibida.

C.

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